

Request #20-3431 >

CLOSED

1 of 2 filtered by: Keyword search: bogado

June 13, 2020

Discovery LAPD
201 North Los Angeles Street
Space 301
Los Angeles, CA 90012

To Whom It May Concern:

This is a request under the California Public Records Act. I'm a reporter with the Center for Investigative Reporting (henceforth "CIR") seeking information from the Los Angeles Police Department ("LAPD") and its Board of Police Commissioners ("BPC").

On June 2, 2020, the BPC and LAPD Chief Michel Moore held a meeting with a public comment section, which was broadcast online in its entirety. During the meeting, which was held at a time of considerable civil unrest in the United States and within Los Angeles, it appeared evident that the chief and the commissioners were using their cell phones during the time when their colleagues and/or the public was speaking. At one point during the public comment period, Commissioner Steve Soboroff held up his cell phone to confirm his version of an event that was occurring outside of the meeting, leaving no doubt that he was indeed using his cell phone while the public addressed him and his colleagues.

I am seeking a record of all cell phone messages sent to and from Chief Moore, as well as a record of all cell phone messages sent to and from all BPC commissioners during the duration of the described meeting, which lasted approximately eight-and-a-half hours. Responsive records should include, but should not be limited to: the sender and receiver name, phone number, text, images, links, and timestamp, all within clear threads that indicate which messages are being responded to and among whom. Additionally, I am seeking a record of all chats shared between Chief Moore and BPC commissioners on any platform on which the group was communicating during the described meeting.

Fee Waiver and Fee Benefit: CIR is the nation's oldest nonprofit news organization. As a member of the news media, I'm seeking this information for the dissemination to the general public as part of an effort to understand the degree to which the LAPD and BPC engaged with the public and with one another during a time of unprecedented unrest. This request is made in the public interest and not for commercial use. If possible, I would prefer the documents in electronic format. Please notify me before incurring any photocopying costs over \$100.

Electronic Records: Please furnish all responsive records in electronic, searchable format delivered to my email address: abogado@revealnews.org. If that's not possible, please send records on a CD-ROM sent to the following address:

Aura Bogado
1400 65th St., Suite 200
Emeryville, CA 94608

Request Published

Public

June 29, 2020, 12:36pm

Request Closed Hide

Public

Dear Requester:

The Los Angeles Police Department (LAPD or Department) has received your request, made pursuant to the California Public Records Act (Cal. Govt. Code §6250, *et seq.*, hereafter CPRA or the Act), for the following:

". . . a record of all cell phone messages sent to and from Chief Moore, as well as a record of all cell phone messages sent to and from all BPC commissioners during the duration of the described meeting, which lasted approximately eight-and-a-half hours. Responsive records should include, but should not be limited to: the sender and receiver name, phone number, text, images, links, and timestamp, all within clear threads that indicate which messages are being responded to and among whom.

Additionally, I am seeking a record of all chats shared between Chief Moore and BPC commissioners on any platform on which the group was communicating during the described meeting." *

**Please be advised that the Department is hereby responding with respect only to records in its possession. To the extent your request also seeks records in the possession of any of the BPC Commissioners, a separate response will be provided by the Board of Police Commissioners.*

The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, section 1. The law also exempts from disclosure, records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

The Department has performed a search and identified records responsive to the above request and such records are attached to this response. To the extent these records contain information that does not fall within the definition of a "public record" under Section 6252(e) of the Act and is therefore not subject to the provisions of the CPRA, it has been removed. Further, certain content has been redacted which reflects the deliberative process of senior Department officials and is therefore exempt pursuant to Section 6255 of the Act, which permits the nondisclosure of records when, "on the facts of a particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record "

Further Correspondence: All correspondence regarding this request can be directed to me at abogado@revealnews.org. Please be aware that under the California Public Records Act, this request requires a response within ten business days. After that time, it is subject to litigation. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the California Public Records Act. As the law requires, I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. Thank you for your prompt attention to this request. Sincerely, Aura Bogado

— [Read less](#)

Received June 3, 2020 via web

Departments Police Department (LAPD)

Documents

[20-3431 Responsive Redacted.pdf](#)

[Response Letter 20-3431.pdf](#)

Staff

Point of Contact

LAPD Sr Analyst Alexis N1685

outweighs the public interest served by disclosure of the records. Judicially recognized protection over records of such decision-making processes is intended to cultivate, as opposed to discourage, open discussion within the agency which would undermine the agency’s ability to perform its functions. Additionally, the Department asserts Section 6254(k) over and has redacted certain content. Subdivision (k) protects from disclosure, records which are exempt under State or Federal law, including provisions of the Evidence Code relating to privilege. Specifically, Evidence Code Section 1040 declares an official information privilege for information acquired in confidence by a public agency when the public interest in disclosing the information is outweighed by the public interest in keeping the information confidential. To the extent certain communications involve tactically/operationally sensitive information, that specific content has been redacted under this provision of the Act.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Discovery Section, CPRA Unit

June 29, 2020, 12:36pm

 **Document(s) Released** Public

Response Letter 20-3431.pdf

June 29, 2020, 12:32pm

 **Document(s) Released** Public

20-3431 Responsive Redacted.pdf

June 29, 2020, 12:32pm

 **Due Date Changed** Public

06/29/2020 (was 06/15/2020).

June 12, 2020, 6:30pm

 **External Message** [Hide](#) Public

Dear Requester:

I have reviewed your California Public Records Act request.

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that “unusual circumstances” exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,
LAPD Discovery Section CPRA Unit

June 12, 2020, 6:29pm by LAPD Sr Analyst Alexis N1685, Sr. Management Analyst (Staff)

 **External Message** Public

Hi again. Can you please let me know when I can expect the records I requested? Thanks.

June 5, 2020, 1:02pm by the requester via email

✓ External Message [Hide](#) Public

Hello, Thank you for acknowledging my request. While I can appreciate the volume of requests you're receiving at a difficult time, I want to make clear that I am in no way postponing my request. In fact, I would like to amend my request to ask that responsive records be issued in an expedited manner, since it's related to an urgent matter that's gripping the country. *Please let me know when I can expect the records I seek.* I look forward to hearing from you. Best, Aura

June 3, 2020, 5:25pm by the requester via email

✓ External Message [Hide](#) Public

Dear Requester:

The Department continues to process CPRA requests as they come in during the COVID-19 public health crisis, and will endeavor to do so in a timely manner. While the Department will be making every effort to comply with its statutory obligations, due to the COVID-19 crisis and the City and Department's efforts to tackle its effects, the actual production of records responsive to your request (if any) may be delayed if Department resources are needed to perform critical functions or are constrained due to the pandemic. The Department greatly appreciates your patience during this difficult time, as the entire community and nation deals with this unusual and serious situation. During this crisis, the Department would also ask that requesters consider postponing the submission of any requests that can wait until after the immediate crisis has abated.

If you have any questions, please respond to this e-mail.

Respectfully,

LAPD Discovery Section, CPRA Unit

June 3, 2020, 4:33pm by LAPD Catherine N6162 (Staff)

🏛 Department Assignment Police Department (LAPD) Public

June 3, 2020, 3:38pm

📁 Request Opened Request received via web Public

June 3, 2020, 3:38pm